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To: Examiner Peter J. Vrettakos
Art Unit: 3739

From: Thomas Spinelli, Esq.
Registration No.: 39,533

Fax: 571-273-8300

Pages: 7

Phone: 571-272-4775

Date: May 24, 2007

Re: USSN: 10/718,189
Our Docket: 17272

CC:

RESPONSE TO RESTRICTION REQUIREMENT

The following is being filed with the U.S. Patent and Trademark Office via facsimile on May 24, 2007:

1. Response to Restriction Requirement W/Transmittal In Duplicate
2. Certificate of Transmission Under 37 CFR 1.8

Applicant: Tsutomu Okada
Serial No.: 10/718,189
For: DIATHERMIC CUTTER
Filed: November 20, 2003
Docket: 17272
Dated: May 24, 2007
TS:cm

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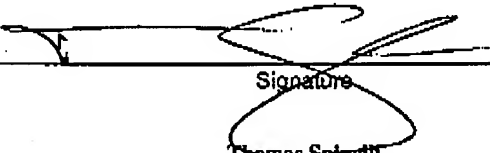
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No. 0702 P. 3

TRANSMITTAL LETTER (General - Patent Pending)	Docket No. 17272
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In Re Application Of: **Tsutomu Okada**

Application No. 10/718,189	Filing Date November 20, 2003	Examiner Peter J. Vrettakos	Customer No. 23389	Group Art Unit 3739	Confirmation No. 9810
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Title: **DIATHERMIC CUTTER**

COMMISSIONER FOR PATENTS:

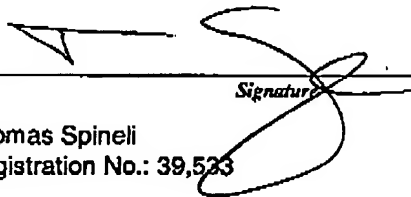
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Signature

Dated: May 24, 2007

Thomas Spineli
Registration No.: 39,533

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No. 0702 P. 5

TRANSMITTAL LETTER (General - Patent Pending)	Docket No. 17272
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In Re Application Of: **Tsutomu Okada**

Application No. 10/718,189	Filing Date November 20, 2003	Examiner Peter J. Vrettakos	Customer No. 23389	Group Art Unit 3739	Confirmation No. 9810
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Title: **DIATHERMIC CUTTER**

COMMISSIONER FOR PATENTS:

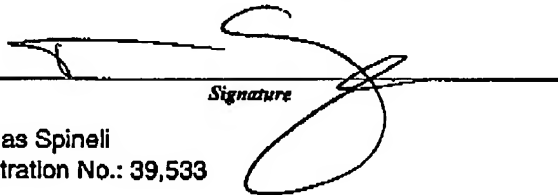
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In the above identified application.

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Signature

Thomas Spinelli
Registration No.: 39,533

Dated: May 24, 2007

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant:	Tsutomu Okada	Examiner:	Peter J. Vrettakos
Serial No:	10/718,189	Art Unit:	3739
Filed:	November 20, 2003	Docket:	17272
For:	DIATHERMIC CUTTER	Dated:	May 24, 2007
Conf. No.:	9810		

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

RESPONSE TO RESTRICTION REQUIREMENT

Sir:

Pursuant to the restriction requirement imposed in the Official Action dated April 25, 2007, Applicant elects the claims of Group I, i.e., Claims 59-64, for continued prosecution herein.

CERTIFICATE OF FACSIMILE TRANSMISSION

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Dated: May 24, 2007


Thomas Spinelli

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Claims 59-71 are present in the above-captioned application and have been subjected to restriction under 35 U.S.C. § 121. Specifically, the Official Action avers that the following inventions are present in the claims:

Group I, Claims 59-64, drawn to a single electrode monopolar diathermic cutter, classified in class 606, subclass 45; and

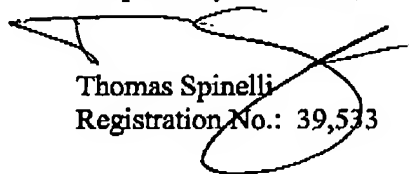
Group II, Claims 65-71, drawn to a double electrode bipolar diathermic cutter, classified in class 606, subclass 45.

It is the Examiner's position that the inventions listed as Groups I and II are distinct from each other.

In response to the Examiner's requirement for restriction, Applicant elects to prosecute the subject matter of Group I, Claims 59-64. However, Applicant reserves the right under 35 U.S.C. § 121 to file one or more divisional applications directed to the non-elected subject matter in this application.

In view of the foregoing, an examination on the merits of the elected claims, at an early date, is earnestly solicited.

Respectfully submitted,



Thomas Spinelli
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